

REMARKS

Applicant respectfully requests entry of this amendment and reconsideration because it cancels claims and places claims in condition for allowance and/or places claims in better form for consideration on appeal.

I. Status of the Claims

Claims 1-18 are pending in this application. Claims 10, 12 and 13 have been withdrawn. Claims 1-9, 11 and 14-18 are rejected. Claims 5, 7 and 11 have been canceled. Claims 1, 3, 6, 8 and 15 have been amended to clarify the invention. No new matter has been added.

Applicant believes that the claim amendments place this application in condition for allowance.
Allowance

II. Restriction/Election Requirement

The Examiner has acknowledged Applicant's traversal of the required species election and considered Applicant's arguments, but has made the requirement Final. Applicant reserves its right to petition the Director regarding the requirement.

III. 35 U.S.C. § 112 Rejections

The Examiner rejects claims 1-9, 11, 14-18 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter. Applicant traverses the Examiner's rejection.

First, Applicant has canceled claims 5, 7 and 11. Therefore, any rejections of claims 5, 7 and 11 are moot and are not addressed substantively in Applicant's response.

The Examiner rejects claims 1 and 3, arguing that when Applicant refers to HIMAX technology, "it is unclear if applicants are referring to the combination of steps (a)-(h) of claim 1 and steps (a)-(e) of claim 3 as the "HIMAX technology" or if a specific step(s) among these is the actual HIMAX technology." Without conceding to the Examiner's characterizations, Applicant has amended claims 1 and 3 by deleting "Hydrophobic Interaction Matrix (HIMAX) technology" to further clarify the invention, and thus the Examiner's rejection is deemed moot.

The Examiner further rejects claim 1, arguing "it is unclear what the metes and bounds of 'centrifugation optimally' are." Without conceding to the Examiner's contentions, Applicant has deleted the word "optimally" to further clarify the invention.

Also with respect to claim 1, the Examiner argues that it is unclear whether the “repeated desorption step is referring to a previous step of the method or that the procedure of step (g) implies that the desorption is repeatable.” Applicant has amended step (g) of claim 1 to clarify that the desorption is repeatable and step (g) is not referring to a previous step of the method.

The Examiner rejects claim 3, arguing “it is unclear if ‘high’ basicity is a Tris base salt of a pH of 14, 13, 11, 9, or 8.” Applicant has further clarified the invention by amending claim 3 to recite “eluting said protein(s) with Tris buffer of pH 8.0 to 8.5.”

The Examiner rejects claim 6 stating that “since claims 4 and 5 establish that the viral antigen is a protein, it is unclear how the claims viral antigen can not be a protein.” Applicant has amended claim 6 to depend from claim 2 instead of claim 5 so as to provide for the possibility of a protein that is not a viral antigen.

The Examiner rejects Claim 15 arguing that “it is unclear what the metes and bounds of ‘affect’ are.” Without conceding to the Examiner contentions, Applicant has deleted “/affect” from claim 15, further clarifying the invention.

IV. Claim Objections

The Examiner has objected to claims 1 and 3 “because of the following informalities: each claim recites, “...pH 6 to 7. 5...” It is therefore suggested that applicants amend the claim to recite, ‘pH 6 to 7.5...’.” Applicant has thus amended claims 1 and 3 as required; therefore, the Examiner’s objection should be withdrawn.

V. Conclusion

Based upon the above remarks, Applicant respectfully requests reconsideration of the rejection and objections in the Office Action and early allowance of the pending claims. Should the Examiner feel that a telephone conference with Applicants' attorney would expedite prosecution of this application, the Examiner is urged to contact the undersigned attorney.

The Commissioner is hereby authorized to charge any fees, which may be required by this paper, to Deposit Account No. 18-0586.

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Respectfully submitted,

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